



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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August 1, 2017

VIA ECF

Hon. Gary R. Brown
United States Magistrate Judge
100 Federal Plaza
Central Islip, NY 11722

Re: *Securities and Exchange Commission v. Barton, et al.*, 2:17-cv-00403-JS-GRB (E.D.N.Y.)
Letter Motion to Vacate (DN 26)

Dear Judge Brown:

I am writing in connection with the letter motion filed on June 13, 2017 by the Plaintiff Securities and Exchange Commission (DN 26). This letter motion was served on the Defendant Justin Sindelman (DN 28). (The Defendant William G. Goode appears pro se with ECF access (DN 27).)

Under Paragraph III.B. of your Honor's individual practices, a response to the letter motion was due within five business days after receipt. Allowing three additional days for mailing to Mr. Sindelman, responses were therefore due on Monday, June 26, 2017. I have received no response from either Mr. Sindelman or Mr. Goode, and none appears on the ECF docket.

This letter motion seeks to have the Court "clarify that the stay [entered by an electronic order on June 13, 2017] applies only as to Mr. Sindelman, and that no stay exists as to the enforcement of the Final Judgments against Barton, Goode, Briggs, and Manzo. The Commission further requests that your Honor vacate the denial without prejudice as to the Commission's Motion to File under Seal (DN 24), and that either your Honor or Judge Seybert consider the same on its merits."

The Commission's Motion to File under Seal (DN 24) is itself under seal because of the nature of the materials contained therein. Without going into the nature of these materials, I wish to represent to the Court that there is a time-sensitive aspect to the relief sought by this motion as actions may occur in the near future which could adversely affect the ability of the Commission to collect with respect to its Judgment against the Defendant Raymond H. Barton (DN 11). This Judgment, in part, requires Mr. Barton to pay disgorgement of \$2,620,595.00, representing profits gained from his conduct violating the federal securities laws, prejudgment interest of \$320,443.92, and a civil penalty of \$2,000,000.00, for a total of \$4,941,038.92.

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Finally, I wish to emphasize that granting the relief sought in the Commission's letter motion (DN 26) will not adversely affect Mr. Sindelman in any manner; the stay as to him should remain in effect pending resolution of his unrelated criminal matter.

Respectfully,

/s/ ***John J. Graubard***
John J. Graubard
Senior Trial Counsel

cc: Mr. Justin Sindelman (via first class mail)
William G. Goode, Esq. (via ECF)